

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: SEPTEMBER 5, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-22703 - APPLICANT: MONEYTREE, INC. - OWNER:  
SHADOW HILLS PLAZA, LLC**

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**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (3-2/ds, sd vote) recommends APPROVAL, subject to:

**Planning and Development**

1. Conformance to the conditions for Site Development Plan Review (SDR-5733) and Site Development Plan Review (SDR-11639), if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit to allow a proposed Financial Institution, Specified with waivers to allow a distance separation of approximately 60 feet from a residential use where 200 feet is required and to allow a distance separation of approximately 875 feet from another financial institution, specified where 1,000 feet is the minimum required at 10490 West Cheyenne Avenue.

The proposed Financial Institution, Specified fails to meet condition #7 as it is located only 60 feet from a residential lot where a 200-foot distance separation is required, and 875 feet from an existing Financial Institution, Specified where a 1,000-foot distance separation is required. A waiver from each of these conditions would be required as a condition of approval for this request. As this proposed Financial Institution, Specified cannot be approved without a waiver to the distance separation requirement; staff recommends denial of this application.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
09/07/94	The City Council approved a request to annex this property as part of a larger request. (A-0006-94). The Planning Commission recommended approval of this request on 06/09/94. The effective date of this annexation was 09/16/94.
06/23/97	The City Council approved a request for Rezoning (PD-0001-97) PD (Planned Development). The Planning Commission and staff recommended approval of this request.
03/17/04	The City Council approved a Site Development Plan Review and a Waiver of the foundation-landscaping buffer for a proposed 87,790 square-foot retail center (SDR-3651). The Planning Commission and staff recommended approval of these requests.
03/17/04	The City Council approved a Special Use Permit for a Liquor Establishment (Off-Premise Consumption) in conjunction with a proposed grocery store (SUP-3653). The Planning Commission and staff recommended approval of this request.
01/27/05	Staff approved an Administrative Site Development Plan Review (SDR-5733) for an aesthetic review of approved pad sites "a" through "h" and perimeter landscaping on 15.23 acres adjacent to the northwest corner of Cheyenne Avenue and Shady Timber Street .
07/14/05	The Planning Commission approved the Master Sign Plan (MSP-6910). Staff recommended approval.

03/01/06	The City Council approved a Site Development Plan Review (SDR-10787) for a proposed 4,738 square-foot Financial Institution, General with drive-through on 6.77 acres at the northwest corner of Cheyenne Avenue and Shady Timber Street.
04/19/06	The City Council approved a Site Development Plan Review (SDR-11639) for the proposed modification of parking, circulation, and pads a, b, c, d, e, f, and h of an approved commercial development on 6.76 acres of an 11.64-acre site at the northwest corner of Cheyenne Avenue and Shady Timber Street. Planning Commission and staff recommended approval.
04/19/06	The City Council approved a Special Use Permit (SUP-11640) for a proposed liquor establishment (tavern) on pad "e" of an approved commercial development (SDR-5733) on 0.10 acres of an 11.64-acre site at the northwest corner of Cheyenne Avenue and Shady Timber Street. Planning Commission and staff recommended approval.
12/21/06	The Planning Commission approved an amendment to a Master Sign Plan (MSP-17815). Staff recommended approval.
08/09/07	The Planning Commission voted 3-2/ds, sd to recommend APPROVAL (PC Agenda Item #36/jm).

#### ***Related Building Permits/Business Licenses***

09/29/06	Building permits were issued per plan check review C-0055-06.
<b><i>Pre-Application Meeting</i></b>	
06/12/07	A pre-application meeting was held and elements of this application were discussed. Submittal requirements were discussed.

#### ***Details of Application Request***

<b><i>Site Area</i></b>	
Net Acres	11.73

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped, Shopping Center	PCD (Planned Community Development)	Resolution of Intent to PD (Planned Development) Zone [VC (Village Commercial) Lone Mountain Special Land Use Designation)]
North	Single Family Residential	PCD (Planned Community Development)	PD (Planned Development)
South	Single Family Residential	PCD (Planned Community Development)	P-C (Planned Community)

East	Single Family Residential	PCD (Planned Community Development)	PD (Planned Development)
West	R.O.W. – I-215	R.O.W – I-215	R.O.W –I-215

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
Centennial Hills Sector Plan	X		Y
Lone Mountain	X		Y
Northwest Open Space Plan	X		Y
<b>Trails</b>		X	Y
<b>Rural Preservation Overlay District</b>		X	Y
<b>Development Impact Notification Assessment</b>		X	Y
<b>Project of Regional Significance</b>		X	Y

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	80,762	1:250 SF	315	8	442	10	
TOTAL (including handicap)			323		452		

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
Allow a Financial Institution, Specified to be 60 feet from an existing Residential Use.	200 Foot distance separation requirement	Denial
Allow a Financial Institution, Specified to be 875 feet from an existing Financial Institution, Specified at 10490 West Cheyenne Avenue.	1,000 Foot distance separation requirement	Denial

- Zoning

The project conforms to the current zoning designation as the PD (Planned Development) zoning allows for flexibility in the types of uses allowed in the district.

- Use

A Financial Institution, Specified is defined by Title 19 as a business whose primary function is to lend money; cash checks or other negotiable instruments for a fee, service charge or other consideration; or provide funds in exchange for the acceptance of a check on a post-dated or deferred-deposit basis. A Financial Institution, Specified may not provide the services of Auto Pawn or Pawn Shop establishments which are considered more intensive uses. The Financial Institution, Specified use requires that the building, or portion thereof, dedicated to the use shall be a minimum of 1,500 square feet. The subject suite is 3,218 square feet and therefore meets this requirement.

For Financial Institution, Specified uses, Title 19 requires a minimum distance separation from residential uses of 200 feet. The subject proposal does not meet this requirement as the site is 65 feet from a residential use. In addition, Title 19 requires a minimum distance separation of 1,000 feet from another Financial Institution, Specified, Auto Title Loan, or Auto Pawn use. The subject proposal does not meet this requirement as the site is 875 feet from another Financial Institution, Specified. As such, staff cannot support this request as the close proximity is in direct contradiction to the intent of the Title 19 distance separation requirements.

- Conditions

Title 19.04.050 lists the following conditions for the Financial Institution, Specified use, adopted by City Council April 21, 2004:

1. The use shall comply with all applicable requirements of Title 6.
2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.
3. No temporary signs (as described in Title 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a “grand opening” or that a business is “coming soon” may be approved administratively for a period not to exceed thirty days.
4. Window signs shall not:
  - a. Cover more than twenty percent (20%) of the area of all exterior windows;
  - b. Include flashing lights or neon lighting; or
  - c. Include any text other than text that indicates the hours of operation and whether the business is open or close.
5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.

6. The building or portion thereof that is dedicated to the use shall have a minimum size of one thousand five hundred square feet, and shall have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as “teller” windows or desks).
7. No specified financial institution use may be located closer than two hundred feet from any parcel used or zoned for residential use. In addition, no specified financial institution use may be located closer than one thousand feet from any other specified financial institution use, auto title loan use or pawn use. For purposes of this Paragraph (7), distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term “property line” refers to lines of fee interest parcels and not leasehold parcels.

The proposed Financial Institution, Specified fails to meet condition #7 as it is located only 60 feet from a residential lot where a 200-foot distance separation is required, and 875 feet from an existing Financial Institution, Specified where a 1,000-foot distance separation is required. A waiver from each of these conditions would be required as a condition of approval for this request. As this proposed Financial Institution, Specified cannot be approved without a waiver to the distance separation requirement; staff recommends denial of this application.

## FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The site is not entirely incompatible with surrounding uses as it is located within a commercial center. However, it is not compatible with surrounding residential uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The site is physically suitable for the proposed use. However, as this proposed Financial Institution, Specified cannot be approved without a waiver to the distance separation requirement; staff recommends denial of this application.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The subject site is served by West Cheyenne Avenue, a 100-Foot Primary Arterial on the Master Plan of Streets and Highways, which is adequate capacity to serve the proposed use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposal will not promote the general welfare of the public as it is too close to existing residential development. In addition, this site will be subject to inspections and business licensing requirements.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 3

**ASSEMBLY DISTRICT** 4

**SENATE DISTRICT** 9

**NOTICES MAILED** 425 by City Clerk

**APPROVALS** 0

**PROTESTS** 14